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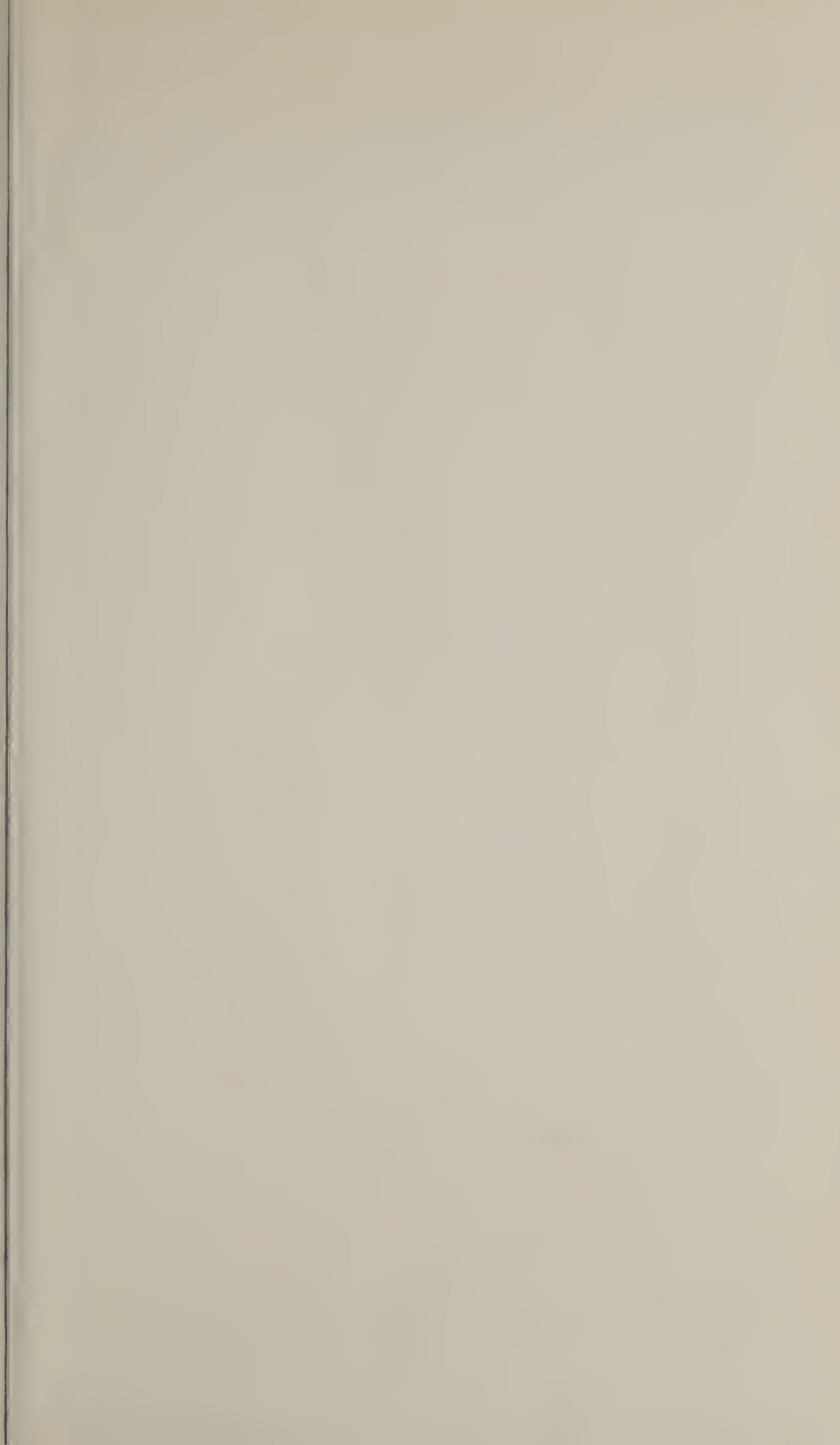
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REYNOLDS HISTORICAL
GENEALOGY COLLECTION

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OLIVER SMITH, ESQUIRE

Late of Hatfield

Founder of The Smith Charities

Richard C. Harnoy

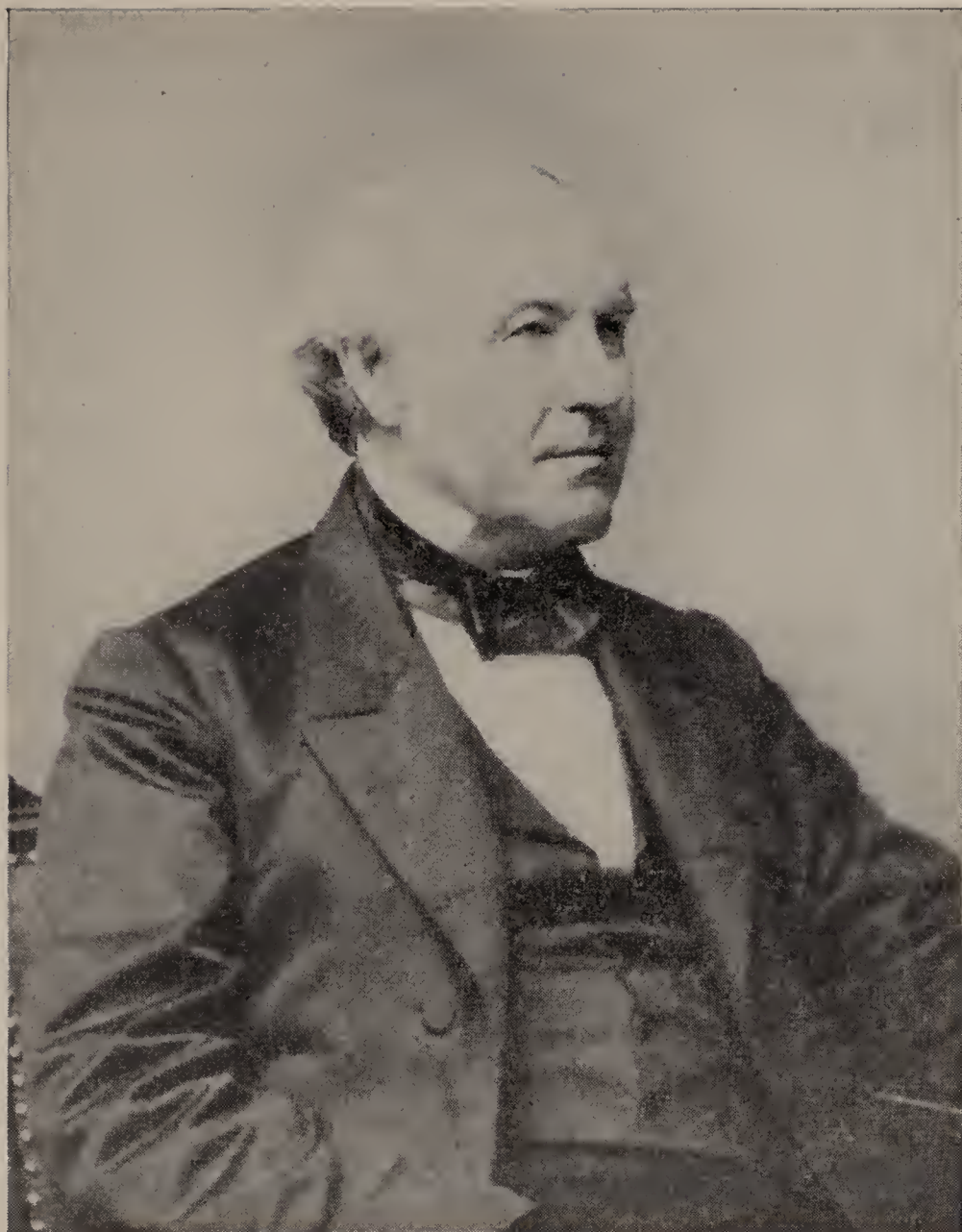
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*B*UT I do declare it to be my earnest desire and intention —and it is hereby strictly enjoined upon the said Trustees in every discretionary exercise of their powers — to discourage idleness and pauperism in every form; and to recommend and enforce by all proper means the practice of Economy, Frugality, Temperance, Industry, and every Moral Virtue.”

from the Will of Oliver Smith, page 23

No likeness of Oliver Smith, Esq. has ever been found. Shortly after Mr. Smith's death, Osmyn Baker devised a plan to have a portrait of Oliver Smith painted. He suggested that Charles O. Parmenter of Amherst, who resembled Mr. Smith, sit for the portrait, and that Samuel P. Billings, who knew Mr. Smith, guide the artist. This project was never completed.



HONORABLE OSMYN BAKER

As Northampton's agent, as a lawyer, and as the first President of The Trustees of The Smith Charities, he worked for a quarter of a century to help fulfill the charitable purposes of the will of Oliver Smith, Esquire. The rules and investment practices he inaugurated are still followed by The Trustees of The Smith Charities.



AUTHOR'S NOTE

A century ago, the Trustees of The Smith Charities were incorporated to administer the charitable will of Oliver Smith, Esquire, late of Hatfield. This booklet, published by the 100th Board of Trustees, records the history of this unusual institution and the equally unusual man who founded it.

Oliver Smith carefully saved and filed hundreds of his business records and personal letters. These valuable papers, now owned by The Smith Charities, form the basis of this story of Oliver Smith's life. The original records of the Boards of Trustees and the Boards of Electors under the Oliver Smith will provided the information for the second section of this booklet.

The files of five newspapers, including The Hampshire Gazette, were consulted. Of the fifty books used, none was so helpful as "A History of Hatfield" by Daniel White Wells, fourth president of The Trustees of the Smith Charities, and Reuben Field Wells. Some data were found in the records of Hampshire County.

The staffs at the Hampshire County Probate Court, the Hampshire County Registry of Deeds, the Forbes Library, the Jones Memorial Library, and The Smith Charities took a friendly interest in the work of compiling the history of Mr. Smith and the institution which he founded.

The suggestions, criticisms, and corrections made by George S. Swift, President of The Smith Charities, have made this a more accurate and more interesting story of a man whose will gives thousands of dollars annually to indigent people in this area.

Richard C. Garvey

Northampton, Massachusetts.
May 3, 1948



Starting A Fortune

In the winter of 1765-66, mobs ruled Boston, angry Colonists met in New York in defiance of King George III, and a 29-year-old lawyer named Patrick Henry delivered an oration in Virginia's House of Burgesses in which he pleaded, "No taxation without representation."

During this turbulent period, in the Tory village of Hatfield in the Colony of Massachusetts, Oliver Smith was born. His father, Lieutenant Samuel Smith, was one of ten children of Joseph Smith and Canada Wait. His mother, Mary Morton Smith, was one of eight children of Lieutenant Jonathan Morton and Sarah Smith of Hatfield. Sarah Smith was a daughter of Joseph Smith's Uncle Chileab Smith, making Oliver Smith's parents second cousins.

Mary Morton Smith had borne six children before Oliver. The first, her namesake, had died in infancy. The others, all boys, would each live to see 70.

Oliver was only eighteen months old when his father died of overwork on an unusually hot July day. Mrs. Smith immediately assumed legal guardianship of her six sons, the oldest of whom was only fifteen years old. In the face of this heavy responsibility, Mrs. Smith retained her unusual interest in the welfare of her neighbors. In 1768, Mrs. Smith accepted a 100 Pound note from John Hall for a large tract of land in Hatfield Addition. At the end of the legal paper is written, "Now if the said John Hall or his heirs shall with all convenient speed build a dwelling house on said lot, and clear upon said lot seven acres fit for mowing and plowing and also pay one-sixteenth part of the expenses of settling a minister and building a meetinghouse, then the above bond to be void."

Three years later, the Addition was "set off" from Hatfield and named Williamsburg, and Rev. Timothy Dwight went there to conduct worship services. Mrs. Smith's belief in aid to the indigent, and charity with a purpose would be instilled into her little son who was then scampering around the farmyards near his home. Her influence would also be felt by others. Many years later, Mrs. Smith's granddaughter, Sophia Smith, who was to

found Smith College, said of her, "I looked up to my grandmother with great love and reverence. She more than once put her hand on my head, and said, 'I want you should grow up and be a good woman, and try to make the world better.' "

Oliver Smith grew up in the old farmhouse on Main Street, Hatfield, where he was born, and most of his schooling he received from his mother. He was only nine years old when three of his brothers, Samuel, Benjamin and Elijah left home to fight in the American Revolution. Little is known of the military records of these men. Samuel was commissioned a second lieutenant by John Hancock, and archives indicate that Elijah saw action during the siege of Boston and at the Battle of Bunker Hill.

All three soldiers married during the war. Benjamin married his first cousin, Lucy Morton in August, 1776 but she died the following January. Elijah married Lucy White in 1779, and Samuel married her sister, Sarah, the next year. Oliver probably saw the wedding of his brother Rufus to Lavinia Banks in 1785, but he had left town before Joseph married Lois White four years later.

Oliver Smith's first venture into business was in New Hampshire, probably in the Town of Chesterfield in Cheshire County. There he operated a general store for a short time, and then returned to Hatfield where he spent the rest of his life.

Oliver Smith returned to his native town in time to see his brother Benjamin marry Miss Lois Warner of Williamsburg whom he had met while living on Petticoat Hill Road in that town. The couple moved into the old residence of the late Col. Israel Williams which stood near the location of the present Hatfield Congregational Church. The colonel, a brother of the third president of Yale College, had been a staunch Tory and was one of the first colonists to have his civil rights suspended for disloyalty to the Revolutionary cause. In 1789, he had been killed in a fall down the staircase of his other Hatfield home.

In 1791, after all her sons except Oliver had established homes, Mrs. Mary Smith began distribution of more than 2000 Pounds to her sons as shares in the estate of their father who had been dead twenty-five years. Oliver Smith received a total of 266 Pounds, one shilling, eightpence, worth about \$1,175. Oliver Smith used this money to buy land and cattle, and started the business that was the basis of his fortune. He would buy cattle, fatten them,

and ship them by the Connecticut River and Long Island Sound to the Brighton market in Boston. In November, 1792, he was advertising in the Hampshire Gazette for a "brown heifer with a bobtail, lost in the Hatfield woods."

In 1795, Mr. Smith took a businessman's chance that probably made him a wealthy man. The State of Connecticut, seeking to raise money for a school fund, sold to the Connecticut Land Company all of the state's Western Reserve lands in the Northwest Territory. Oliver Smith was one of the shareholders, and when the territory was set off in 1800, he became the owner of more than 1000 acres in Northampton, Ohio, and several hundred acres in a town named in honor of the company agent, Moses Cleaveland. Mr. Smith sold his lands before city sophisticates dropped the "a" from the city name and called it Cleveland, Ohio, but his profit must have been enormous. The land company bought the territory for about thirty cents an acre. Mr. Smith later sold a minor share of his loans to a John S. Strong, who paid for the land in horses — \$500 worth at a time. The admission of Ohio as a state in February, 1803, raised the land prices higher, so it is not surprising that when the first bank was organized in Northampton (Massachusetts) a few weeks later, Oliver Smith was a director.

With all his business activities, Oliver Smith saved at least one night a week for Roxana Graves of Hatfield whom he courted for several years. He would call on her after sundown on Sunday which was tantamount in those days to an engagement. Folks in Hatfield considered it a settled match.

However, this aggressive businessman was evidently a delayer in love. Roxana seems to have waited patiently for Oliver to propose marriage. When Oliver's mother died in 1807, and Oliver went to live with his brother Benjamin, the not-so-young lady (already 38) seems to have lost interest in Oliver. About a year later, she married Charles Starkweather, a widower with five children, and moved to the Starkweather homestead on South Street in Northampton.

Many of Oliver's acquaintances said that Mr. Smith felt in later life that his greatest mistake was that he did not marry. Mr. Smith never went to see Roxana again until after her husband died thirty-five years later. During the last weeks of his life, Mr. Smith was in Northampton supposedly to have some grist ground at the

mill. While waiting, he went to the Starkweather house to see Roxana. After he had left, the aged woman told her granddaughters, "Girls, that man used to be my beau, and the queer thing about it is that he never called to see me while your grandfather lived."

Era of Good Feeling

A few days after his mother's death, Oliver Smith moved into the homestead of his brother Benjamin. The home in which Oliver Smith had lived for half his lifetime was sold and eventually moved to North Street in Hatfield. Two families now live in the home.

In the two-story, gambrel-roofed residence of Benjamin Smith, Oliver Smith was to spend the next thirty-five years of his life, faithfully paying his brother two dollars a week board. The Benjamin Smiths had two children, but Chester had died in infancy. Bright-eyed Almira was seven years old when her Uncle Oliver came to live in her father's house.

Oliver Smith's cattle business seems to have been prospering. A cattle boat, returning from Boston to Hartford in 1810, carried 800 bushels of salt destined to become salt licks on the farm of Oliver Smith. The next year, the Hatfield farmer-businessman had to entrust the collection of small debts to a "hired man." Such stature in the community called for recognition, so Gov. Elbridge Gerry appointed Oliver Smith a justice of the peace.

During those years, it seemed that Uncle Sam was helping to build a fortune for Uncle Oliver. When Thomas Jefferson signed the Embargo Act halting trade with England and France, most New Englanders complained about that man in the White House. But Oliver Smith's great admiration for Mr. Jefferson remained untarnished. The business recession resulting from this act caused a great westward movement, and land prices in the State of Ohio rose sharply. Similarly, the War of 1812, so unpopular in New England, caused another migration which greatly inflated land values in the entire Ohio Valley.

Oliver Smith was one of the few Yankee businessmen during the War of 1812 who could pay the vehicle use tax without a murmur. He was assessed \$2 yearly on his two-wheel carriage, and \$1 on his four-wheeled farm vehicle. But even Mr. Smith may have murmured when he paid this "war tax" three years after the Treaty of Ghent had ended the war.

It was during the war that the Northampton Bank ended operations, and the Hampshire Bank was organized. Oliver Smith

was a director, and he took an active part in the management of the new bank. Once a week, he would hitch his gray horse to the green wagon and drive the four miles to Northampton to discuss business with his associates, some of whom shared his joy over the Ohio land prices.

Edward Warner, son of the proprietor of the Warner House (where the Draper Hotel now stands) later remarked that Mr. Smith, a tall, slim, spare man would often come into the inn and sit in the front room to talk business. At noontime, Mr. Smith would open a little bundle of crackers and cheese, and eat his lunch. George Cutler of Amherst, whose father was associated with the Jackson and Cutler store, also recalled the luncheon stories, and said that a man once asked Mr. Smith why he did not eat in the tavern. "How much would it cost?" Mr. Smith asked. "Oh, about fifty cents," the man answered. "I could never eat fifty cents worth of food at one meal," said Mr. Smith, concluding the conversation. Oliver Smith was already getting the reputation of being thrifty — and rich.

At the end of the War of 1812, Oliver Smith, like the nation, entered the Era of Good Feeling. His fortune was already sizeable, and it was working for him. For the first time in his life, he had considerable free time.

Successful as a farmer, businessman and banker, Oliver Smith in 1820 made his first venture into public service. Both the state and the thinking of its citizens had outgrown the State Constitution since its adoption in 1780. In 1820, 400 delegates met in Boston to revise the document, and their arguments and petitions fill a journal of more than 400 pages. In that journal, the name of Oliver Smith, delegate from Hatfield, appears five times. His first vote was against a resolution to cut the pay of delegates from \$2 to \$1 a day. Mr. Smith was present at most of the sessions during the two month convention, and collected about \$135 in travel expenses and salary. A total of \$56,732 was paid by the state to the delegates.

Back in Hatfield, he renewed his assignment as treasurer of the committee in charge of building the schoolhouse for the South Center District. A neat stack of receipts still shows the meticulous care with which he expended the town funds.

Mr. Smith continued his interest in public affairs, and in 1824, his name was on the ballot in the first popular national election in

American history. The leaders of the Democratic Party, which had no competition in the national field, could not agree on a candidate for President. The party finally chose William Crawford; the voters preferred Andrew Jackson; but the country got John Quincy Adams. Mr. Smith was on the general ticket pledged to Mr. Adams, Massachusetts' favorite son, and Hon. Samuel Porter of Hadley ran in this district as a Crawford man. Mr. Adams carried Massachusetts and enough other districts to put him in second place to Mr. Jackson. But no man had a majority, and the House of Representatives, dominated by Henry Clay, had to choose the President. When the House skipped Mr. Jackson, and named Mr. Adams, the nation murmured. When President Adams appointed Henry Clay secretary of state, the people shouted, "corrupt bargain!" Mr. Smith's comment is not recorded.

While the nation wrangled over the first, large-scale popular election in world history, the Smith homestead was more concerned with family affairs. In the late fall of 1824, the front room of the house was opened up, the shutters thrown back, and guests sat in straight, hair-filled chairs and admired the rich velvet wall-paper with its rows of poppies and shepherds. This fine, well-furnished room was rarely opened, but only once would Benjamin Smith give a daughter in marriage. On November 27, Almira Smith was married to Probate Judge Samuel F. Lyman of Northampton. Oliver Smith wore a brand new suit to the wedding.

The Lymans had almost a half century of happily wedded life, and raised five children. She died in 1871; the judge lived on for four years.

Almira's absence caused a void in the Smith home, and soon after the marriage Mrs. Smith brought her ten-year-old niece, Eliza A. Warner of Williamsburg to live in the Hatfield homestead. This girl was to become a close companion of Oliver Smith, and receive the greatest individual benefaction from his will.

In 1827 and 1828 Hatfield sent Oliver Smith as a Representative to the Great and General Court. Great was a well chosen adjective to describe the Legislature, for the lower House had more than 400 members. For the second time within ten years, Mr. Smith was lost in a crowd in Boston.

During his two single-year terms in the Court, Mr. Smith voted with a minority against government aid to business. He was one of the ten western Massachusetts men who voted against

a bill seeking lower taxes for the woolen industry. He opposed an appropriation of \$8000 granted to Governor Levi Lincoln to pay for a survey of Boston to Albany railroad routes. At one time, Mr. Smith voted against the incorporation of a theater in Salem. In commenting on the petition, the Hampshire Gazette contended that a "theater is a school of immorality and vice" and lauded the legislators who had blocked the incorporation. In the reports of the proceedings of the Legislature, there is no mention of Mr. Smith ever having made a speech.

Evidently, the clothes Mr. Smith bought to wear to Almira Smith's wedding had been worn out during his service in Boston. When he returned from the 1828 session, he had trimmed pantaloons, flannel vest and a coat with lined pockets made at C. and C. Clapp in Northampton. The cost: \$11.67.

His service in the Legislature ended Mr. Smith's public life, although he did continue for a few years to accept appointments as a special commissioner for Hampshire County. Mr. Smith was now over sixty years old, and his health was beginning to fail. No fewer than thirty prescriptions which doctors gave Mr. Smith for his ills are still in existence. They indicate that Mr. Smith had to take in odd combinations: salt, white vinegar, bark of root of whitewood, white mustard, Rochelle Salts, sulphur, quinine, camphor, and Turkey figs. The medicines were supposed to cure cankers, coughing fits, and internal disorders. Dr. Knowlton's Vegetable Deobstruent Pills seemed to have held Mr. Smith's favor. One of the prescriptions says that these vegetable pills "supersede the more powerful medicines, such as calomel, and may be taken for any length of time without evil consequences." This claim, in more modern English, is now echoed by a famous patent medicine.

The man who named the pills was Dr. Charles L. Knowlton, a Jefferson Medical College graduate practicing in Northampton. The frugal Mr. Smith was evidently quite willing to pay for relief of sicknesses, for his prescriptions bear the signatures of Dr. Edward E. Denniston, an Ireland-educated physician who operated Denniston's Water Cure in Northampton; Dr. David Hunt, who had an honorary medical degree, and Dr. Charles Lewis Seeger, who had studied in Germany. All of these doctors were located in Northampton. One prescription was signed by Dr. Addison S. Peck of Hatfield.

But Oliver Smith's health never declined to the extent that he would admit comfort in a warmed church. When, in 1830, parishioners of the established church in Hatfield placed two stoves on the south porch, and ran stove pipes through the building to the north side, Mr. Smith revolted. He led the minority protest and, with about forty followers, "signed off" and left the society.

It was soon after this break with the church that Oliver Smith became a regular subscriber to *The Christian Register*, official organ of Unitarianism. Only in Boston and Cambridge did that religious belief find haven in New England, and Hatfield was undoubtedly shocked when a copy of the *Register* started coming into the Post Office. If the people of the town had thought that Mr. Smith would have noticed or cared, they would undoubtedly have cut him off from society. But the community must have given up in despair when Mr. Smith started reading *The Workingman's Advocate*.

While the people in the community sought in vain a way "to do something about Mr. Smith," Mr. Smith was busily studying a way to do something for the community.



Oliver Smith, good neighbor

What prompted Oliver Smith to leave his money to charity will probably never be known. His own widowed mother had raised six sons, and paid each a patrimony. She set a sterling example of an indigent widow. Because of his own experiences, Oliver Smith may have wanted to make it easier for young people to marry. Possibly the writings of Rev. William Ellery Channing, the Unitarian leader, inspired Oliver Smith as they had inspired thousands all over the world. Among Mr. Smith's possessions was a hand-written copy of Thomas Jefferson's estimate of the doctrines of Jesus which expounded "universal philanthropy, not only to kindred and friends, to neighbors and countrymen, but to all mankind."

Stephen Girard, the French boy who ran away to sea and amassed one of the largest fortunes of his time, died in 1831 and left \$6,000,000 to found in Philadelphia a school for orphaned boys. Girard College, the result of that bequest also marks its centennial this year. Mr. Smith's notes show that he started writing his charitable will months before Mr. Girard died. If Mr. Smith ever read the Girard will before writing his own bequest to Smith's Agricultural School, he made no mention of it in his voluminous notes.

Whatever his inspiration, Mr. Smith discussed the charity plan with Judge Samuel Hinckley of Northampton early in 1831, and decided to have Charles Porter Phelps of Hadley write the charitable will.

Oliver Smith and Charles Porter Phelps had little in common. Oliver Smith was born in a farmhouse, had a common education, and never married. Mr. Phelps was born in what is now called the Bishop Huntington House in North Hadley, was graduated from Harvard, married three times and had ten children.

Mr. Phelps had been christened Moses Porter Phelps in honor of his grandfather, Capt. Moses Porter who had been killed fighting Indians at Lake George in 1755 at the age of 33. However, Mr. Phelps later took the Christian name of his own father who was a well-known lawyer in this section.

After his graduation from Harvard, Charles Phelps studied in the law office of Chief Justice Theophilus Parsons of the Massachusetts Supreme Court. First, he married the judge's niece whom the judge had adopted, and they had five children. After she died, Mr. Phelps married the judge's daughter and they had five children. Later in life, Mr. Phelps married a third time.

Soon after Mr. Phelps' father died in 1814, the Boston lawyer came to Hadley and built "Pine Grove," now known as the Sessions House, south of the Moses Porter homestead. The lawyer's sister, Elizabeth Whiting Phelps and her husband, Rev. Dan Dickinson, raised their family of eleven children in the homestead. Their eldest son, Charles Phelps Huntington, would lead the fight against the will his uncle wrote for Mr. Smith, and the youngest son, Frederick Dan Huntington, would become the first bishop of the Protestant Episcopal Church of Central New York and give the Porter homestead its present name.

Despite the fact that Mr. Smith and Mr. Phelps lived in different townships, their homes were a short distance apart. "Pine Grove," the home of Mr. Phelps, was near the site of the old toll bridge, and Oliver Smith lived a few rods away on the other side of the river. The bridge had been dismantled ten years before so Oliver must have crossed on the ferry to visit the writer of the will.

On August 27, 1831, the first will was completed and it outlined the "female society" plan which Mr. Smith favored. Under this plan, trustees in the towns to benefit would administer Mr. Smith's bequests and give the interest annually to young girls admitted to these societies. On June 19, 1832, codicils were added to include more towns under the plan and finally, before the will was entirely rewritten in 1834, the plan included Deerfield, Northampton, Whately, Hadley, Williamsburg, Northfield, Hatfield, Greenfield and Springfield, and took thirty-eight pages to explain its operations. When these first wills were written, Mr. Smith's estate was probably less than \$100,000.

One of the first bequests Mr. Smith made would have given \$10,000 to Deerfield to start "Smith's Asylum for the Deaf and Dumb" where afflicted children from families in the County of Hampshire could be educated. Another section provided for the payment of \$5000 to Massachusetts General Hospital. A school of industry in Greenfield was ordered set up in another part of the

will. To this latter school, boys from Chesterfield, N. H. were to be admitted. This little New Hampshire town, organized in 1760 by Moses Smith, was the probable location of Oliver Smith's first enterprise, a general store.

The towns of Conway and Leverett were later mentioned in the will, but Sunderland and Montague were never included. Both of these towns had excuses to explain why Oliver Smith had never mentioned them in his charities. People in Sunderland said that a boy once threw a rock at Mr. Smith's carriage while the Hatfield businessman was driving through the town. Montague townspeople made the claim that one of their residents beat Mr. Smith in a cow trade.

Oliver Smith's will which started The Smith Charities was finally completed on July 15, 1844, and this will set aside all previous testaments. Charles P. Phelps and his two sons, Charles, oldest child by his first wife, and Theophilus, oldest child by his second wife, witnessed the instrument. A codicil which made minor changes in the will was witnessed by these same men a month later.

THE FINAL YEARS

During the last fifteen years of his life, Oliver Smith considered his will his most important work. He conducted some banking business from his home, and hired agents to handle his investments in the big city markets.

The financial panic, which began in 1837, whittled many fortunes including Austin Smith's, but his Uncle Oliver's more safely invested wealth was not greatly reduced. In 1838, Austin Smith became a member of the Massachusetts Great and General Court and his letters to Uncle Oliver give an interesting account of the Legislators' struggles to save the state's financial structure as banks collapsed one after the other. Cynical Austin Smith summarized the work by writing, "The Legislature have done but little, some of that had been better left undone."

In one letter, Austin Smith explained that The Northampton Bank had a note on the defunct LaFayette Bank. He wrote that he was bringing action against the Boston institution in his own name to protect The Northampton Bank. "I'm afraid it will make some noise in Hatfield, so we'll try to keep it quiet," the nephew confided. In discussing the bankruptcy bills, the Legislator wrote, "There is a great deal of scolding in the House about bank presidents, directors and cashiers whom it seems have done all the mischief."

Oliver Smith, a stockholder in The Northampton Bank, also did some scolding about a bank president. In a letter to Judge Joseph Lyman, president of The Northampton Bank, Mr. Smith wrote that he intended to ask the Supreme Court to review the bank's funds. The letter strongly inferred that Judge Lyman had grown rich while serving as bank president. If Mr. Smith had any serious intention of demanding a court review, he abandoned it after receiving an earnest reply from Judge Lyman.

The judge denied that he had "received a cent more than what I am entitled to, and not half as much as I deserved." Concluding his long letter, the bank president wrote, "We are both old and infirm and thus far have sustained good character. It is a great pity that we should vex ourselves about trifles when we

stand in need of a pause between the hurry of life and the hour of death."

The hour of death had already come to many of Oliver Smith's family. His brother Elijah had died in 1829; Samuel outlived him less than five years. When Joseph Smith died in 1836, four of his seven children, including Austin and Sophia, survived him.

On April 21, 1841, a few days after his 87th birthday, Benjamin Smith died. For almost 35 years, he had been host to Oliver Smith, and had receipted for him twice yearly a board payment of \$52.

A short time after Benjamin's death, Oliver Smith and Miss Eliza A. Warner moved to the home of Miss Lois Dickinson on Main Street, Hatfield, a short distance from Benjamin Smith homestead. Miss Warner continued to care for Aunt Lois Smith until the aged lady died in 1844.

Benjamin Smith had sold part of his property to the Inhabitants of Hatfield for any public use (except a schoolhouse) and after his wife's death, the remainder was also sold to the town by his daughter, Mrs. Almira Lyman. The minister lived in the fine old residence for a short time, but the home was vacant for several years. Like all empty houses, it became a play area for the boys of the town. The demolition of the house, so ably started by the youngsters, was completed by the town fathers in 1852 to make room for a new Town Hall and parsonage. Only the brown-stone steps survived; they were placed at the entrance to the new parsonage.

Mr. Smith's visits to "Pine Grove" and to the Widow Starkweather's home prove that he was in reasonably good health until his last illness. On May 7, 1845, he received from the American Colonization Society a vote of thanks for the \$500 contribution which was to be used to purchase land in Africa for freed slaves. The gift had been sent by "A gentleman from Hampshire County." On December 22, 1845, that gentleman died.

At one o'clock on the afternoon of the day before Christmas, the funeral of Oliver Smith was held from the meetinghouse. Rev. Henry Neill, eighth minister of the Hatfield Congregational Society, conducted the simple service. The bell tolled as the procession filed from the Meetinghouse to the grave in the nearby cemetery.

The first of many thousands of working people to receive money from the estate of Oliver Smith was the man who dug the grave and pulled the bell cords as the body of Oliver Smith was laid to rest. The estate paid him one dollar.

A small, white stone marker bearing the name "Oliver Smith," was placed over the grave. Twenty years later, a \$2000 monument was erected there by The Trustees of The Smith Charities.

OLIVER SMITH'S WILL

More than 900 words fill the twenty-seven manuscript pages of the will of Oliver Smith, Esq., late of Hatfield. It was written with such skill that noted jurists of every generation since its inception have commended it, and it was drawn with such foresight that it continues to this day to guide The Trustees of The Smith Charities.

Under Section 1 of the testament, Austin Smith was given the use of the only piece of real estate owned by his Uncle Oliver at the time of his death. This same bequest was to apply to Austin's children, if he should leave issue. The homestead was a two-story building on a nine-acre lot on the east side of Hatfield's Main Street. At some time in history, it had been painted red. The home was in poor condition, and was frequently without a tenant. The will provided that, if Austin remained childless, he would have to pay \$2000 to a Board of Trustees for clear title to the property.

This bequest was to compensate for all Austin Smith's past services, and his "trouble" as executor of the estate. Oliver Smith did allow that the executor should be paid a reasonable sum for managing the funds if the Board of Trustees did not organize within a year. This bequest was certainly not generous. In the inventory of Oliver Smith's estate, the homestead is valued at only \$2250, and when Austin Smith finally sold it in 1857 to get cash for his stock market plunge, he received only \$2500 for it. Childless Austin Smith had to deposit \$2000 with the Board of Trustees before he could sell the property, so he actually made only \$500.

The first section of the will also gave to Elisha Wells, who lived across the street from the Benjamin Smith homestead, the sum of \$500 and almost all of the furniture which Oliver Smith owned. Mr. Wells had been using one of Mr. Smith's pews in the Hatfield meetinghouse, and this also was bequeathed to him. Mr. Wells' sister, Hannah, had married Oliver Smith's nephew, Joseph Smith, Jr., younger brother of Austin Smith. The benefactor's son, Daniel White Wells, was to be President of the Board of Trustees of The Smith Charities for twenty-five years.

Section 2d left \$30 annuities to three unmarried daughters of Oliver Smith's late brother, Lieutenant Samuel Smith. This bequest was to cost about \$2000. Sarah, 65, and Asenath, 51, each died at 83, and Clary (christened Clarissa), 62, lived to be 78.

The annual interest on \$500 was given to Mrs. Mary White, widow of Elijah White of School Street, Hatfield. The will provided that, upon her death, the sum of \$250 should be paid to her son, Quartus, who was her eleventh child. Although Mrs. White's maiden name was Smith, she was evidently not related to Oliver Smith. But the man she married, Elijah White, had two sisters, Sarah and Lucy, who married Oliver's brothers, Samuel and Elijah, which is enough to misform any family tree.

The next part of the will left an annuity of \$40 to Miss Eliza Ann Warner, payable to her for twenty years. After that time, Miss Warner was to receive \$120, if she remained single. The will provided that, if she married, an annuity of \$40 would be paid during the first ten years of marriage, and then the annuity should be increased to \$60 and a lump sum of \$1000 be paid to her. At the end of the second decade of marriage, the annuity was to be discontinued and another \$1000 was to be given her.

Mr. Smith also provided that the Trustees should support Miss Warner in a comfortable maintenance if she remained single and became unable to support herself. The will specified that if she should die, leaving issue, before the \$2000 outright legacy had been used, the money should be given to her children. The beds and all bedclothes and some pieces of furniture were given to Miss Warner.

Otis Wells, 17, and Hannah Wells, 15, children of Elisha Wells who had been previously listed in the will, Sophia Davis, daughter of Maria Davis, and one child from the family of Dolly Bliss, widow of Austin Bliss, and five other Hatfield children to be chosen by Austin, Erastus and Joseph Smith, were included as beneficiaries under the provisions later to be made for indigent boys and female children. These three men were empowered to bind out the children, and immediately grant them all privileges which were later to be afforded by the Board of Trustees. So ended the personal sections of Mr. Smith's will.

Section 3d of the will gave directions for setting up a Board of Trustees to "have the custody, control and management of these funds." And then the plan unfolded.

The towns of Northampton, Hadley, Hatfield, Amherst, and Williamsburg in the County of Hampshire, and Deerfield, Greenfield, and Whately in the County of Franklin, were instructed to annually elect an agent, called an Elector. These Electors were told to meet annually on the first Wednesday in May and elect three persons to serve as the Board of Trustees. The will provided that if any town failed for two consecutive years to choose an Elector, that town should thereupon forfeit its rights to all benefits of the Miscellaneous Fund. Although, on three occasions, towns have failed to send Electors, no town ever made the same mistake two successive years. All eight towns are still included under the terms of the will.

The will specified that Electors could not be paid from the funds, the Trustees should be paid a reasonable amount, and that the office of the Trustees should always be in Northampton.

Section 4th set up a trust of \$200,000 to be secured at interest by Austin Smith until the Board of Trustees had been duly organized. Then, the executor was to turn over the money, with interest, to these Trustees. The fund was to be kept intact until it reached \$400,000. Evidently, Oliver Smith recalled that his nephew was prone to invest money in stocks for quick returns. To prevent this, his will enjoined Austin Smith and the Trustees from buying any stock except the issues offered by the United States. A codicil dated July 15, 1844, allowed also the purchase of state stock of Massachusetts, New York, Vermont, Maine, New Hampshire and Connecticut, and the city stock of New York, Albany and Boston.

The will directed that the \$400,000 fund should be divided into three parts. One portion of \$30,000 was for an agricultural school in Northampton. The American Colonization Society was to get the dividends from a \$10,000 share. The remaining \$360,00 was ordered set aside for purposes to be explained later in the will.

The testament provided that the Agricultural School Fund should be allowed to accumulate for sixty years after the death of the testator. Then, part of the money should be given to the Town of Northampton with which the Town was to buy two farms. It was the intent of the will that one of these would be made into a Pattern Farm which would be a model to all farmers. The other would be an Experimental Farm "to aid and assist the

labors and improvements of the Pattern Farm in the art and science of husbandry and agriculture.” The will provided that residence buildings should be built for mechanics and artisans who would invent and manufacture modern implements of husbandry for public sale.

The will further ordered that a school of industry be established on the premises for the benefit of poor boys of fair character. A good common education and instruction in the art and science of agriculture should be assured these beneficiaries. When a pupil had reached his twenty-first birthday, and learned the habits of industry, sobriety, and economy, he would be given a \$200 loan to go into business for himself, according to the plan in the will. The testament directed that the note should be surrendered gratuitously in five years if the man continued in good habits.

Mr. Smith ordered in the will that the establishment “shall be designated and called Smith’s Agricultural School.” He specified that three discreet freeholders living in Northampton should be yearly selected to control the establishment. These men were to form the Board of Superintendents. The will ruled that one superintendent must be a mechanic, another a practical husbandman.

The plan for a model farm, with artisans designing and manufacturing new equipment for farm and home, clearly indicates that Mr. Smith was years ahead of the world, but not sixty years ahead. The year Mr. Smith started writing his will, Cyrus Hall McCormick finished making a machine called a reaper. Six years later, two Maine inventors patented a “thresher.” Thirty years after Mr. Smith’s death, the first agricultural experiment station in America was opened. In 1862, United States Senator Justin Morrill (whose middle name was Smith) pushed to adoption a law under which any state could start an agricultural college and collect \$25,000 a year from land grant revenue. About a year later, Massachusetts Agricultural College was started in Amherst, and the Commonwealth began to build an experiment station and model farm which Oliver Smith had envisioned twenty years before.

While the Smith’s Agricultural School grant remained inactive, the nation overtook and eventually outdated Mr. Smith’s idea for modernizing the farm. When Mr. Smith died, it required 72 man hours to harvest the 20 bushel yield of an acre of wheat.

When his money became available in 1905 to start his school, machinery had cut the labor to six man hours and the yield had almost doubled. Even Oliver Smith had underestimated the speed of progress of a free people.

In 1905, \$50,000 was turned over to the City of Northampton to buy land for Smith's Agricultural School. L. Clark Seelye, President of Smith College, Seth S. Warner and Myron S. Bailey were the first superintendents and they supervised the establishment of the school on a ninety-acre lot on Locust Street in Northampton. The School receives about \$11,000 annually from The Trustees of The Smith Charities, but the Trustees have no other connection with the School.

The Trustees were instructed in the will to notify the American Colonization Society that a trust of \$10,000 had been bequeathed to it. The will specified that the Society must accept the trust within six months, and that the Trustees would then pay to the Society yearly the interest on the trust. The will said that the money was to be used "to transport persons of color from the United States to the Colony Liberia, or to such other place as the said Society may select as the most suitable location for a colony of Free and Emancipated Blacks; and for furnishing the usual supplies afforded to persons of that description after their arrival in that country. The persons transported by means of this fund shall be designated by some particular distinctive name or appellation. And the said Society shall annually make report in writing to the Trustees of this fund, stating as far as practicable the situation and circumstances of the persons receiving the benefit of this fund; in order that said Trustees, and through them the public at large, may be better able to judge, whether the money is judiciously and properly expended; and to estimate more correctly the value and importance of these philanthropic efforts, which are now being made throughout the Country for the relief and elevation of that degraded class of mankind."

In his will, Mr. Smith specified that the Town of Northampton could, at the end of five years, vote to deny the money to the Society. The testament provided that, if the Supreme Judicial Court should support the town's decision, the money would revert to the Smith's Agricultural School fund.

The thirty-year-old Society had been influential and highly respected in its earliest days. Judge Bushrod Washington, nephew

of the first President of the United States, was the first president of the Society. Its list of vice-presidents included many of the greatest men in the land, and its list of members included Oliver Smith. Henry Clay, one of the Society's vice-presidents, signed Mr. Smith's membership document which is still in existence. The Society had so much influence in the nation's capital in 1819 that Congress granted it an appropriation of \$100,000. Mr. Smith had undoubtedly heard the many criticisms which were made of the Society in its later years. So, he set up the people of Northampton as a jury to determine whether his money should continue to aid the work of the Society.

On Page 17 of the will, Mr. Smith ordered the remaining fund of \$360,000, called the Joint or Miscellaneous Fund, to be devoted to the use and benefit of indigent boys, indigent female children, indigent young women and indigent widows.

With a few exceptions allowed by the Probate Court, the Trustees still follow the wording of the testament in distributing the income from this fund.

The will prescribed that the income from one-fourth of the Miscellaneous Fund should be used for indigent boys, and instructed the Trustees to select boys from families of fair character, but of indigent and moderate circumstances, within the eight towns mentioned in Section 3d. These boys were to be bound out in good and respectable families where they would receive a good common school education and be well instructed in farming or a trade. The will read, "Neither in the selection of the Boys, nor in the choice of families in which they are to be bound out — nor in the bestowment of any benefit or privilege arising from this fund shall there ever be any distinction made, or preference given, on account of any religious sect, or political or other party whatsoever. The will provided that a boy who had been bound out could apply for a \$500 loan when he reached twenty-one years of age. The Trustees were instructed to surrender the note within five years, if the young man maintained good conduct and had paid annual interest on the note. To date, indigent boys have received \$1,410,000 from this fund.

The income from one-quarter part of the Miscellaneous Fund was set aside for indigent female children. The Trustees were instructed to choose girls of good character to be bound out in the homes of farmers or mechanics to learn housekeeping. When a

girl who had completed an indenture married, the will explained, the Trustees would give her \$300. Should the girl, while single, become ill, she could draw as much as \$300 from the fund. By decree of the Probate Court in 1924, girls may be bound out in any suitable family, and the \$300, or such portion of it not granted as sickness benefit, may be paid to the girl when she becomes thirty years of age. Indigent female children have received \$333,875.

The income from one-eighth of the fund was to be used to pay \$50 to any indigent young woman in the eight listed towns who applied for this gift within three months after her marriage. These "bride's gifts" have totaled \$724,550.

Mr. Smith ordered that the last one-eighth of this fund be used to pay as much as \$50 annually to indigent widows with dependent children. A total of \$660,650 has been paid to these beneficiaries.

Concerning all these bequests, the will carefully enjoined the Trustees to make certain that each beneficiary is of frugal, sober and industrious habits, and sustains a good moral character.

At the end of the section, the will provided that the Trustees could extend the benefits of the will to any or all of the towns of Hampshire County, if the miscellaneous fund produced more money than needed to meet the actual or probable claims of beneficiaries in the listed towns.

Section 5th of the will provided that all other money left in the estate would constitute the Contingent Fund to be used to pay legacies and annuities mentioned in Section 2d of the will, and to defray expenses of managing the funds until they were divided, and the expenses of executing various provisions of the will. The Contingent Fund now amounts to \$659,027.

Section 6th authorized the executor of the will of the Trustees to apply for an act or acts of incorporation, and "also to use their endeavors to obtain the insertion of a clause providing for the exemption of said funds from all future taxation."

Section 7th named his nephew, Austin Smith, sole executor and Section 8th, an elastic clause, instructed the Trustees to dispose of his estate "as nearly according to the directions, purposes and objects herein before set forth and provided as may be consistent with law."

THE GREAT TRIAL

The Hatfield Smiths, and the Dickinson, Billings and Lyman in-laws, were stunned when Uncle Oliver's will was read. They had been playing the game of counting the chickens in the rich uncle's roost, a popular but uncertain game in any century.

The Hampshire Gazette was bitter in its condemnation of both the will and the testator, and carried on a weekly campaign against the "miser" whose "hoarded gains" were being used in a "grand scheme for perpetuating the accumulation of property after his decease." The tone of its attacks on Mr. Smith became more caustic, and the editor later wrote: "A man's character is formed during life. If he clings to his money, with a miser's grasp, as long as life lasts, and only devotes it to objects of charity when he can no longer retain it himself, we think that he is not entitled to have his name enrolled among the truly benevolent, especially if he makes provision that his estate shall go on in process of accumulation, for years after his decease, in order that some grand, name-perpetuating scheme may be consummated."

Mr. Smith had no one to protect his name; his relatives were not on speaking terms with his memory. Mr. Smith was keeping his peace in Hatfield Cemetery. But his relatives were not so peaceful. Thirteen nieces and nephews, and husbands of three nieces started legal proceedings to break the testament, and the Gazette glumly reported, "It would be no matter of regret with us should the heirs succeed in rendering the will null and void."

In February, 1846, the controversial, 24-page will was presented for probate. The hot potato had fallen into the unreceptive lap of stern-faced, 57-year-old Judge Ithamar Conkey, who had been enjoying a comparatively peaceful career of twelve years on the bench. Atty. Charles P. Huntington, counsel for the heirs, arguing that Judge Conkey was a resident of Amherst, a benefacting town, demanded that the court disqualify himself. The judge was very willing, and in March, 1846, announced that he had transferred the case to Worcester, it "being the most ancient adjoining county."

But Atty. Osmyn Baker, who appeared for six benefacting towns (Amherst and Hatfield had adopted a "wait and see" at-

titude) protested and asked the Supreme Judicial Court for a ruling. In September, the high court instructed Judge Conkey to hear the case. On December 9, after a two-day hearing, he allowed the will. The battery of disappointed relatives "considered themselves aggrieved" and appealed to the Supreme Judicial Court. The heirs in law paved the way for one of the most dramatic and brilliant trials in the history of the New England bar.

Oliver Smith, who thought that a college education was a hindrance to a businessman, certainly had no intention of sponsoring a "Dartmouth week end." But in July, 1847, his will made possible a bigger Big Green party than his niece's college would ever devise.

Rufus Choate, Dartmouth, 1819, had been retained by Mr. Smith's heirs-in-law to break the will. Daniel Webster, Dartmouth, 1801, had been hired (at a cost of \$1500) to defend it. Judge Samuel Sumner Wilde, Dartmouth, 1789, was coming to Northampton to referee the debate. Dartmouth was in town again.

The first to register at the Mansion House on Elm Street was Rufus Choate, whose brilliant debates in the Senate had established him as one of the outstanding Americans of the day. Never a handsome man, Mr. Choate, then 47, was almost ugly. His face had an odd twist which he used most effectively to dramatize his speeches. His command of the English language was complete. When Judge Wilde was told by a court attendant of the publication of a new dictionary, he quipped, "For God's sake, don't tell Choate!" There were men who considered Mr. Choate the equal of Daniel Webster. Mr. Choate did not; neither did Mr. Webster. But Mr. Choate had worshipped Mr. Webster from the day he heard Mr. Webster's famous Dartmouth College Charter arguments in 1817. He had loaned him money, supported his legislative bills, defended his treaties, committed political suicide trying to make him President, and would live to deliver his eulogy.

Mr. Choate was joined here by Judge Wilde, who had been a judge of the Massachusetts Supreme Judicial Court for thirty-two of his seventy-six years, and who had been assigned to the special session hearing the will case.

But the greatest Dartmouth man was not to arrive until Monday, July 5. America respected Daniel Webster; New England idolized him. His every speech and rebuttal of Henry Clay's

policies had been read and re-read in livery stables, taverns and barbershops all over the United States. At 65, he still had the magnetism and intellect that had won the admiration of the United States Supreme Court thirty years before, and his influence in the nation was at its highest. He was Dartmouth's greatest alumnus, and no Dartmouth man ever mentioned that Mr. Webster had torn up his diploma on graduation day.

The Little Giant arrived on schedule, tired from a tedious, hand-shaking trip through the South, and suffering from a head cold. Only a great man could retain his personal appeal under such circumstances, but Daniel Webster was a great man. After taking his room, he called the landlord and, within a few minutes, by cogent argument and artful persuasion, succeeded in getting a bottle of brandy and a bottle of Madeira delivered to his room. The Mansion House had broken its temperance record, and Daniel Webster had scored his first triumph in Northampton.

Before beginning work to win his second trial here, Mr. Webster penned a note to his son, Fletcher, "We shall have a long cause, and I prescribe to myself, patience, moderation, and coolness. We begin tomorrow." But Mr. Webster began right away.

Mr. Webster's junior counsel in the case was Charles Edwards Forbes who, like Mr. Smith, refused to have his portrait painted, was exceptionally strong-willed, and had public philanthropy in his heart. Osmyn Baker, who was to become the first president of The Smith Charities, completed the defense team. Mr. Baker received \$450 to pay the expenses of the trial, and Mr. Forbes' fee was \$250. Mr. Webster, who had agreed by letter to defend the will, knew very little about the case when he arrived here, and he immediately conferred with Mr. Forbes and Mr. Baker.

The will was being contested on the grounds that one of the will's witnesses, Theophilus Parsons Phelps of North Hadley, was not of sound mind when he witnessed the will. Mr. Webster listened intently as the men told him about this sickly, intellectual, 25-year-old boy who had reportedly attempted suicide and was now living in morbid fear of being called to the stand in this case. Over the protests of his advisors, Mr. Webster sent a note to the Phelps home and asked permission to visit Theophilus. Mr. Webster drove over to the youth's home and talked with him for more than three-quarters of an hour. The men were complete opposites. One was a tower of strength, a leader of men, a forceful

personality, writer of national laws and international treaties. The other was a young author of Sunday School literature whose delicate body and more delicate mind had forced him into a life of solitude. Mr. Webster told a friend in Boston later that he was very much attracted to the boy, and that they had a very enjoyable chat. At the end of the talk, Theophilus was eager to testify at the trial. Mr. Webster had scored again.

The sonorous, Paul Revere bell in the old courthouse went to work Tuesday morning, July 6, 1847, to tell the people of Northampton that the Supreme Court of the Commonwealth would sit that day. Most of the people already knew it. When two great leaders of the nation appeared, any town would be honored. When they came to argue about \$400,000, that made things more exciting. It is safe to say that everyone knew that Rufus Choate and Daniel Webster were going on display with all their wares in the Hampshire County Courthouse.

The narrow, poorly ventilated courtroom was not a fit arena for this battle of the giants, and was packed to overflowing before the contenders arrived on the scene. Mr. Choate entered first with his bright entourage of assistants: Reuben Atwater Chapman, later to be Chief Justice of the Massachusetts Supreme Court, and Charles Phelps Huntington, nephew of the man who had drawn the Smith will. Then entered Daniel Webster, with Mr. Forbes and Mr. Baker. Mr. Baker had gone to Yale; Mr. Forbes to Brown. But Mr. Choate was even more broad-minded; Mr. Huntington had gone to Harvard, and Mr. Chapman had done an excellent job of self-education.

The men, and many ladies, who were fortunate enough to have seats at this great debate, rose noisily when Judge Samuel Wilde entered the room, and the crier started the traditional call. After the minister's blessing, the court took up immediately the only case to be entered before the special session. Dartmouth was ready.

Before a witness took the stand, Mr. Webster won a victory. One of the twelve men impaneled to decide the case was Samuel Williston of Easthampton. Mr. Williston, one of the wealthiest and most influential men in the county, had founded Williston Seminary and had already begun to distribute \$2,000,000 of his wealth to charitable institutions. Mr. Webster could not have found a more understanding juryman in the whole country.

Then the twelve men listened to seventeen witnesses discuss the activities of Theophilus Parsons Phelps whose sanity was the sole issue of the trial. Mr. Webster put the youth on the stand over the strenuous objections of the appellants, and the young man's demeanor under questioning greatly aided the case for the will.

When the youth had entered his testimony, Mr. Webster asked for an adjournment, but the prize witness insisted that he was ready to be cross-examined. Mr. Choate had promised Mr. Webster that he would not bear down on the witness in examination and, loyal to his word, he allowed Mr. Chapman to conduct the brief inquiry. The court recessed at 7:30 until Wednesday morning at 8, and lawyers saw that already Mr. Webster was ahead.

Mr. Webster was gay and confident during Wednesday's session. He loved the huge audience, and gave them several laughs by twitting the serious-minded and verbose doctors who were giving medical testimony.

Once, he leaned over and glanced at Mr. Choate's hastily-written notes. "And what are those," chided Mr. Webster, "antediluvian bird tracks?"

During the close questioning of one of the doctors, Mr. Choate used the word, "abnormal," Mr. Webster turned to Mr. Chapman and said in a stage whisper, "Didn't I tell you he would use that word before he got through? He got it at college, and it came from old President Wheelock!"

But when the day's work was over, the two contending lawyers adjourned to the beautiful home of Judge Charles Augustus Dewey which was later to become the first dormitory at Smith College. The judge and his wife, the sister of De Witt Clinton, had entertained many celebrities in their home, but the reception to Mr. Webster and Mr. Choate seems to have been the most vivid and exciting. Sixty years later, the judge's son, Judge Charles A. Dewey, Jr. called that reception one of the brightest memories of his boyhood.

The first two days in court were preliminaries to the battle staged on Thursday. The Northampton Democrat wrote that the crowd "generated steam enough to have worked an engine of ten horsepower." Less than half the crowd that milled around the courthouse saw the inside of the building that day. Ladders

were raised to every window and men hung on the rungs to listen to the proceedings. Judge Wilde, in action almost unprecedented, allowed the judge's bench to be occupied by visitors.

The thermometer stood at 95 degrees when Mr. Choate began his final argument to the jury. Atty. Charles G. Delano said later, "Choate spoke for three hours as man never spake." The Northampton Courier commented, "There is nothing finer, nor more perfect, in the speeches of Lord Erskine" and expressed regret that the speech had not been recorded by a shorthand artist. The jury also seemed impressed and Mr. Webster began to worry for the first time. He turned to Mr. Forbes and said, "Some of our technical brethren would call that all flimsy humbug; if it were so, which I deny, it is still humbug which stirs men's souls to their inmost depths. It is reason impelled by passion, by legal learning, and adorned by fancy."

In the five minute recess between arguments, Mr. Webster made up his mind to meet the brilliant oratorical attack in straight legal language. After paying tribute to Mr. Choate's oratory, Mr. Webster took a long pause. "And now, gentlemen, we are called upon to consider a question, not of poetry, but of fact. This is a simple matter, which concerns plain people, like you and me. Let's get down to real business." The jurymen liked being classed as plain people along with Daniel Webster. They would enjoy doing business with him.

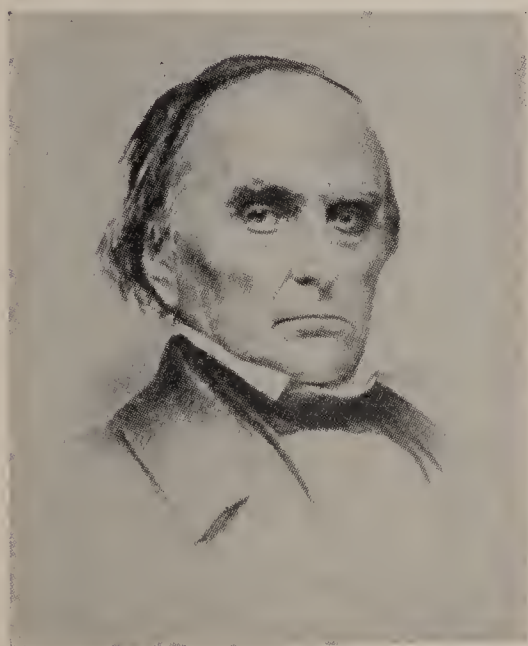
At half past three in the afternoon, Judge Wilde delivered his charge to the jury. In his address, he quoted the law which had been explained by a Chief Justice of the Massachusetts Supreme Court governing decisions in cases of insanity. That high jurist was Theophilus Parsons, late grandfather of the witness, Theophilus Parsons Phelps.

On the first ballot, three jurors were against the will. On the second, two were still opposed. On the third ballot, the will was sustained unanimously. The jury stayed out one hour.

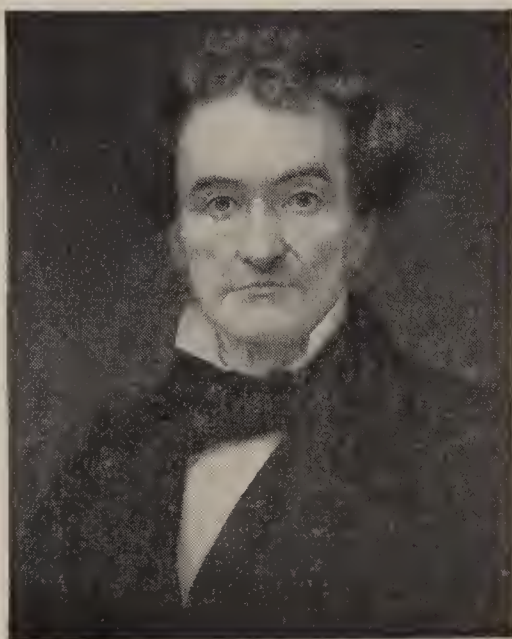


HAMPSHIRE COUNTY COURTHOUSE

In the building at the extreme right, Hon. Daniel Webster successfully defended the will of Oliver Smith, Esquire, in a brilliant legal debate with Hon. Rufus Choate.



Hon. Daniel Webster



Hon. Rufus Choate

SMITH CHARITIES BEGINS

Within two weeks after the will was sustained, the agents for five of the interested towns met in the law offices of Baker and Delano in the Jonathan Hunt Butler Bookstore Building in Northampton and voted to have that legal firm ask the judge of probate to set a date for an election under the terms of the will.

In a decree dated August 10, 1847, Judge Ithamar Conkey ordered the elections held the thirtieth of that month, and instructed the Electors to meet at the Courthouse in Northampton on September 6 to name Trustees. All towns except Greenfield followed the order and the Electors named Osmyn Baker, John Dickinson, Jr. and Austin Smith as Trustees. Wary Austin Smith asked the Supreme Judicial Court if he should surrender his trust to this group, and the court ruled that the Electors had not been properly selected.

The town meetings in the Spring of 1848 again chose Electors, and these men met in Northampton on May 3, 1848. Members of that first Board of Electors were: Charles Phelps of Hadley, Timothy J. Gridley of Amherst, Roswell Hubbard of Hatfield, Isaac Abercrombie of Deerfield, Josiah Allis of Whately, William Clark of Northampton, and David S. Jones of Greenfield. Williamsburg sent no Elector. The Board named the same Trustees, Messrs. Dickinson, Baker and Smith and set their salaries at \$500 yearly. Five days later, the Electors accepted a \$70,000 bond from each Trustee.

Osmyn Baker, 48, the youngest of the Trustees, was elected Chairman of the Board and he began the first of twenty-three years as head of the institution. Mr. Baker, a native of Amherst, was a graduate of Yale College and Northampton Law School. He started practice in his native town, and edited there "The New England Inquirer." He served four terms in the Massachusetts Legislature, and three in the United States Congress. While a Congressman, he became acquainted with two of his constituents who were to greatly influence his life. He became friendly enough with Oliver Smith to borrow money from him, and he liked a young Amherst College student, Charles G. Delano, well enough

to take him into his law firm. Mr. Baker was to give a quarter-century of service to Oliver Smith's plan of charity, and the partnership of Baker and Delano was to rise to a position of undisputed leadership of the Hampshire County Bar.

In many ways, Austin Smith, 58, was like his Uncle Oliver. He was frugal, meticulously businesslike, and unmarried. He paid board to his sister, Sophia, with whom he lived in Hatfield, and charged her five cents each time he hitched her horse. But in some ways, he was very much unlike Oliver Smith. Austin once told a friend how he tried in vain to have Uncle Oliver buy speculative stock instead of bonds which paid a comparatively low return. Austin outdid himself in promises of financial return, and Oliver made the investment. Then, he held his nephew accountable for the amount promised. Austin said that he never again tried to influence his uncle in business affairs.

Although Austin Smith had made a fortune in Wall Street speculations, he lost heavily during the depression of the 1830's. During the time he served as a Trustee of The Smith Charities, he was in moderate circumstances.

The third member of the Board, Judge John Dickinson, Jr., 66, was also an Amherst native. He was graduated from Williams College in 1800 and studied law in Belfast, Maine. When that territory became a state in 1820, Mr. Dickinson was named a judge of probate and he served in Washington County, Maine, for seventeen years. He then returned to Amherst and operated a farm. He took an early interest in the Smith will, was the Amherst agent, and argued for the will in town meetings.

The Trustees rented from Jonathan Hunt Butler a small room in the rear of the law office of Baker and Delano in the Granite Building. For this room, the Trustees paid \$50 a year, in April and October installments. Charles P. Delano was named counsel, and his first duty was to sue Austin Smith for the Oliver Smith estate. This technicality, suggested by Austin Smith, was to protect him as executor. On September 7, 1848, the Supreme Judicial Court ruled the Trustees had been properly selected, and instructed Austin Smith to surrender his trust. Setting interest as of October 10, Mr. Smith surrendered an accumulating fund of \$214,000 and a contingent fund of \$180,703. He then pressed a suit through two courts seeking payment for his extra expenses as executor and collected about \$1700.

The first official vote of the Trustees after receiving the money was to buy a safe. The strong box, which cost \$120, was purchased from Charles E. Forbes, and the Trustees paid Curtis Braman \$5 to move the safe from Mr. Forbes' office to the Trustees' rooms across the street. They paid W. H. Felton \$18.71 for a stove, and burned \$2.05 worth of wood in it by Spring. The office equipment was completed with \$32 worth of furniture purchased from Sirius M. Smith, and a \$21 floor cloth bought from George Dickinson.

Acting on the suggestion contained in Section 6th of the will, the Trustees voted on March 5, 1849, to have Judge John Dickinson, Jr., appear before the General Court to seek an act of incorporation for the institution. The will enjoined the Trustees to try to have this act provide that the institution should be exempt from taxation, but the towns mentioned in the will rebelled against the proposal to keep so much wealth off the tax lists. On April 10, the act of incorporation was passed. Section 4 of the act explained that "no part of the funds aforesaid shall, by the operation of the act, be exempted from taxation, but for the purpose of taxation, such funds shall be equally apportioned among the eight towns named in said will or such of them as shall not have forfeited their rights therein, and . . . the portions of the said funds thus assigned to the said towns respectively may be assessed therein in all the taxes legally voted and assessed by same towns provided that all the real estate shall be taxed in the towns where the same is situated." The act named the charitable institution, "The Trustees of The Smith Charities."

Williamsburg, the only town which had not sent an Elector in 1848, named Joel Hayden in 1849. Another change that year was the election of Whiting Griswold, a young Greenfield lawyer and Amherst College graduate, as a Trustee in place of Judge Dickinson.

One of the first acts of the new Board was to grant, on June 25, a \$15,000 loan to the Town of Northampton for the construction of the Town Hall which is still used. A few weeks later, the Town sent the Trustees a tax bill of \$180.19, the first of a long list of bills and special assessments from the eight towns. These bills, never intended by Oliver Smith, caused a severe drain on the charitable funds until 1916 when the General Laws freed such institutions from taxation.

In 1850, Judge Dickinson was returned to serve with Mr. Smith and Mr. Baker, and the original Trustees began another, and their last, term conducting Oliver Smith's will. Within a month, Oliver Smith's executor and his most trusted companion, Miss Eliza A. Warner, were involved in a bitter feud over his money.

After Oliver Smith's death, Miss Eliza Warner had accepted a position teaching school in Hatfield. When the will was allowed, she gave up her job and moved to a home on Elm Street in Northampton. Under the name, "Aunt Fanny," Miss Warner continued writing stories for "The Youth's Companion." She also wrote, "The Old Flag" which Horace Binney of Philadelphia ranked among the best books ever written for young people. Not realizing that the author was a woman, Mr. Binney wrote, "I almost envy him the satisfaction of giving the young so pleasing, impressive and instructive a story." By Ripley coincidence, Mr. Binney, leader of the Pennsylvania Bar for thirty years, was the man who preserved the charitable will of Stephen Girard in a legal tangle with Daniel Webster.

But whatever praise Miss Warner might receive from a barrister in Pennsylvania, Austin Smith in Hatfield was unimpressed. When she applied to the Trustees for money in 1850, he was determined to block the bequest.

Mr. Smith told the Trustees that the monies already allowed for Miss Warner were "ample and sufficient for the purpose of living in Hatfield, and more than her rank and condition in life require." He argued that "Oliver Smith never contemplated nor intended that Miss Warner should remove to Northampton and set up a style of living altogether above that in which she had lived with him, and above any of her connections and relations in life, and call on his funds for support." He claimed that the Trustees were "encouraging extravagance and luxury in living far beyond that of any female in Hatfield, and which Oliver Smith never intended." His final contention reflected the high cost of living in Northampton, even in 1850. He said, "Oliver Smith intended that no gentleman or lady should be supported out of these funds, and especially at what it costs to live in Northampton." When the Board outvoted Austin Smith, he wrote out his many arguments against the motion and had them recorded in the Trustees Records where they can be read to this day. He concluded his argu-

ment with a budget of Miss Warner's income which included the \$40 annuity granted by the will, \$92 extra already allowed by the Trustees, \$28 annuity from the will of Mrs. Lois Smith, and \$6 interest from \$100 invested. He estimated her annual income at \$166 which, he argued, was plenty.

Miss Warner spent the rest of her life in Northampton, except the summer months which she often spent in Peterboro, New Hampshire. The Trustees increased her income several times, and when she died in 1891 at the age of 76, she was receiving \$1350 a year.

Austin Smith, always a stern man, became bitter and resentful because of what he considered his defeat. He seems to have held a brief against the Town of Northampton. Austin Smith threw himself into the business of making money, a business that seemed to be accurately suited to the Smiths. He plunged recklessly into debt to buy when others were selling during the Panic of 1857. His shrewd mind served him well; he reversed his losses of twenty years before, and made a fortune of almost half a million dollars. He took great satisfaction in his determination that none of his money would ever benefit the Town of Northampton.

When neighbors suggested he might remember the church, Mr. Smith quipped that "the Lord will get none of my money." One of his acquaintances tried to soften Mr. Smith's outlook and also influence him to aid the church with his wealth. At the end of a long discourse on the temporary nature of this life, the churchman dramatically asked, "Mr. Smith, are you ready to enter the second world?" The man with the money looked up unshaken and replied, "One world at a time, neighbor, one world at a time."

When Austin Smith left for New York City in 1861, only he knew what kind of a will he and his lawyers were going to draw. He repeated, however, his resolution that Northampton would never benefit from a dollar of his money.

Shortly after his arrival in the huge city where he had made his fortune, he was taken ill. Alone, friendless, haunted with pain, he shut himself in his hotel room and ordered large amounts of brandy. He died without writing another will. His estate of about \$450,000 was given, under the terms of a "temporary" will of 1859, to his sister, Sophia. Within 15 years, his money was used to establish, in the town he despised, a college bearing his family name.

THE FIRST BENEFICIARIES

If Oliver Smith had provided that the Board of Trustees be self-perpetuating or appointed for life, this rift over Miss Eliza Warner's income might have jeopardized the charitable intent of the will. But the testator had wisely set up a system of Electors and Trustees which prevented squabbles and disagreements from disrupting his institution.

In May, 1851, two new Trustees joined Osmyn Baker on the Board and the feud was forgotten. There were no more dissenting opinions entered on the records; only notices that a man had been paid fifty cents to wash the office, and that the Trustees had purchased three-quarters of a cord of hardwood for \$2.63. Things were back to normal.

In 1852, Osmyn Baker, who had fought to sustain the will and served as chairman of the Trustees since the will was allowed, refused to accept the chairmanship for another year. He explained that he had decided not to accept the position because of the "inadequacy of the compensation compared with the labors and responsibilities of the office." The Electors promptly voted to increase the compensation for the position to \$650 a year, and Mr. Baker withdrew his refusal. The Electors also passed a resolution asking the Trustees to "take initiatory steps" to build a two-story, fireproof building, the upper stories to be used for banking rooms and safe storage of records.

Evidently, the proposal to erect a new building was shelved, for on October 1, 1854, the Trustees of The Smith Charities signed a lease for the second story of S. C. Parsons' new Granite Block at 28 Merchants Row, directly opposite the Old Church. This building, designed by William F. Pratt and built by Moses Breck, was constructed of Maine free stone and had cost almost \$10,000 to build. As an added bit of distinction, Northampton's most modern business block had a piece of French glass, three by six feet, in the front of its street-level store. The Smith Charities took a ten year lease for \$300 a year, and sub-let an adjoining office to Baker and Delano for \$60 a year.

Of course, The Smith Charities was doing more business all the time. Early in 1853, it had announced in the press that it

would accept applications from indigent female children and indigent boys who wished to benefit under Oliver Smith's will. The Trustees explained that they were confident that the funds would be ready for use in 1859. At the end of the first year in the new quarters, twenty boys and fourteen girls had already applied for benefits. The Trustees sold the old stove to Baker and Delano for \$3, and bought a coal-burning one for \$28.30. Varnished counters and an 83-cent spittoon were added to the office furniture. The funds left by Oliver Smith continued to grow steadily, and it became obvious that the original estimate was correct: The beneficial funds would be ready for distribution in the fall of 1859. The Trustees hung out a \$27 sign, bought a town directory, and had 2000 copies of Oliver Smith's will printed (at a cost of \$60) to be ready for business.

In October, 1859, the accumulating fund reached \$400,000 and, in accordance with Section 4th of the will, was divided into three parts. A total of \$360,000 was set aside for the four classes of beneficiaries listed in the will, \$10,000 for the American Colonization Society, and \$30,000 for Smith's Agricultural School.

Mrs. Lovina Curtis of Hatfield and Mrs. Frances P. Clark of Northampton were the first beneficiaries under the general terms of the will. On October 15, 1859, they each received a \$50 widow's benefit. On October 26, Mrs. Elviva M. Wait Dodge and Mrs. Jennette Warner Montague each received a \$50 bride's gift. On November 3, Emma M. Weeks, daughter of Edward and Onasier Weeks of Amherst, was paid \$300 under the indigent female children section. She married H. R. French of Amherst. The first \$500 apprentice loan to an indigent boy was surrendered on October 25, 1861 to Harlan Page Hyde, son of John M. and Mary Hyde of Williamsburg. He had been indentured to W. E. Hayes, a Northampton machinist. The policy of The Smith Charities was to hold the apprentice note for five years, but the Hyde youth was in delicate health so the note was surrendered at an earlier date.

In accordance with the dictate of the will, the American Colonization Society was notified on October 13, that a trust of \$10,000 had been set aside for the Society by the Trustees of The Smith Charities, and it was explained that Section 4th of the will required an acceptance of the bequest within six months. Two days later, an acknowledgment of the notice was received. On

October 22, 1859, the executive committee of the Society voted to accept the trust, but a notification was not sent to the Trustees until April 19, 1860. The Trustees pointed out that the notification was four days late, and refused to make payments on the trust.

The Society brought the matter to court, and Atty. Edward Dickinson appeared for the group before the September, 1861, sitting of the Supreme Judicial Court at Greenfield. Atty Charles G. Delano appeared for the Town of Northampton and The Trustees of The Smith Charities. The court decided that the Trustees were correct, and the \$10,000 fund and \$1042.25 interest were transferred to the Smith's Agricultural School fund as provided in the will.

If the Trustees welcomed the opportunity to deny the bequest to the Colonization Society, they can hardly be blamed. As early as 1833, William Lloyd Garrison condemned the Society as an instrument of pro-slavery forces. Later, Daniel Webster had refused to accept the vice-presidency of the group. Oliver Smith's suspicions, clearly reflected in his bequest, seem to have been formed with good reason. Historian James Ford Rhodes, after considerable study, concluded that the Society's "operations were fit subject for ridicule."

When the young men started to enter the service during the Civil War, the Trustees were beset with a new and delicate problem. Oliver Smith's will ordered that any boy bound out to learn a trade must not interrupt his apprenticeship. There was no loophole which could be used to protect young men entering the service, but the Trustees surrendered notes at the earliest possible time if a beneficiary joined the Army. Osmyn Baker had special reason to want to help young men who were going off to war. His only son, First Lieutenant William Lawrence Baker, 22, of the Fourth U. S. Artillery had been killed by shellfire at Antietam on September 17, 1862.

The war was not yet over when the Trustees began preparations to erect a building in which to house The Smith Charities. In 1864, Osmyn Baker bought from John and Hannah Tappan of Boston the property between King Street and the Connecticut River Railroad right of way. The property was bounded by Main Street and Dr. Robert's property line. The land and buildings cost \$15,500. Two old buildings on this property were sold by Mr. Baker to Charles S. Couch who moved them to the north line of the property and fitted them for tenements.

William F. Pratt was chosen as the architect for the new building. He had designed Mr. Baker's home on Phillips Place (now the main building of Northampton School for Girls on Pomeroy Terrace) and the home of Mr. Delano on what is now Bates Street. The S. C. Parsons Block where the office of The Smith Charities was located, and the Town Hall had been built from Mr. Pratt's designs.

The new building was begun in the summer of 1865 and was completed in August, 1866. The two-story structure was built of Portland sandstone taken from the same quarry in Portland, Connecticut, that supplied the stone for many New York mansions. The building and land, and an extra lot to the east of the building bought from Mr. Baker a few years later, cost the Trustees only \$35,398. The large tree which still stands in front of the building was set out by Ebenezer Hunt and his son, Seth, about 1750.

Befitting its purpose, the building has had a quiet history. Sophia Smith sat at the long table in the Trustees Room about eighty years ago and signed her will providing for the establishment of Smith College.

While the present Hampshire County Courthouse was being built, the second floor of The Smith Charities Building was rented for county offices, and the Young Men's Christian Association used the same rooms for three years beginning in 1891.

A temporary, woden structure was built on the lawn east of the building in the spring of 1927 to house The First National Bank while its present building was being erected. The wooden building was removed in November, 1927, when the new bank building was opened.

From the same Portland quarry that furnished the original stone for the building, the Trustees recently purchased thirty tons of blocks for repairs. So perfectly do the stones match that only an expert mason could identify the new blocks.

In 1871, Osmyn Baker was stricken with partial paralysis and he ended his twenty-three years of service as President of The Trustees of The Smith Charities. Deacon George W. Hubbard, first treasurer of Smith College, was chosen to take his place.

Mr. Baker retired to his home where he lived for four more years, under the care of his daughter, Elizabeth O. Baker. She was the only child of his first wife, Mrs. Elizabeth Olmstead Baker, who had died in 1833 when the daughter was born. In 1836, Mr.

Baker married Miss Cornelia Rockwell who died two years later when William Lawrence Baker was born. This child was lost in the Civil War. Despite the many tragedies of his life, Mr. Baker was jovial until the end, which came on February 8, 1875. He had been a State Legislator, a Member of Congress, a Governor's Councillor, and a leader of the Hampshire County Bar. But his greatest public service was his diligent work to put into operation the charitable purposes of the will of Oliver Smith.

George Hubbard was President of the Trustees until his death in 1882. His successor, Luther Bodman of Northampton, served for three years. It was in the administration of Dwight W. Palmer of Amherst that the newly-chartered City of Northampton tried unsuccessfully to tax the entire Smith Charities funds, instead of one-eighth allowed by law. Daniel White Wells of Hatfield began his twenty-five year presidency in 1890. During that time, the Smith's Agricultural School was established. George Wright Clark, who had been clerk of The Smith Charities since 1883, became a president in 1915. He died in July, 1921, and the two remaining Trustees directed the institution until May 1922 when Frank Garrett of Greenfield was named President.

In 1923, Homer F. Cook of Hadley was elected and he served until his death in December, 1930. In 1931, George S. Swift, who had been associated with the institution since 1904, was elected President.

In 1943, the Trustees petitioned the Probate Court to allow them to protect the indentures of indigent boys called into the armed services. The court allowed the Trustees to alter procedure in these cases, and no volunteer or inductee lost his rights under the will.

The steady growth of Oliver Smith's funds, and the benefits granted to thousands of indigent persons in the eight communities give ample proof of the wisdom of the benefactor, and the efficiency of the Trustees who have had "the custody, control and management of said funds" for one hundred years.



THE SMITH CHARITIES BUILDING
NORTHAMPTON, MASS.

THE WORK OF OLIVER SMITH

It would be impossible to accurately measure the benefits which the eight towns and their residents have derived, directly or indirectly, from The Smith Charities during the last century.

No one can accurately appraise the value of a cash gift to a widow who is trying to bring up a family. Only the young craftsman can know the real worth of the \$500 which helps him to set himself up in business or buys him the tools of his trade.

Benefits have been given to men serving on European battlefields and to women working in the mission fields of the East. The records of the beneficiaries contain the names of many men and women who have contributed generously of their time and wealth to public service. Many master builders, mechanics and farmers learned the principles of their vocations at Smith's Agricultural School.

The contribution of \$3,500,000 to worthy charity, and the promise of more millions, do not complete the record. Oliver Smith was the first man in this area to leave a large fortune to public charity, and many seem to have been influenced by his actions. Judge Charles Edward Forbes, who labored in the courts to have Mr. Smith's will allowed, later left a quarter of a million dollars to found a library in Northampton. Deacon George W. Hubbard, second president of The Smith Charities, left a large estate to Smith College. A few years after The Smith Charities started its philanthropic work, John Clarke, a Northampton storekeeper, founded a school where the deaf could learn to speak. A plan for such a school had been outlined thirty years before by Oliver Smith. When Samuel Williston served as a juror at the Oliver Smith will trial, he had already made some gifts to charity. Eventually, he donated about two million dollars to charitable institutions.

The will of Oliver Smith made another contribution which can more easily be overlooked. During Mr. Smith's lifetime, a clergyman was denied a place to sleep in Northampton because he was a Roman Catholic. A publisher of The Hampshire Gazette had to sell the paper because few would buy a journal edited by a Unitarian. The movements which were to crystalize into the

Native American Party and the Know Nothing Party were already active when Mr. Smith wrote his will. In two strongly worded passages, Mr. Smith set forth a demand for religious and racial tolerance. One paragraph ended, "And provided further, that neither in the selection of the Boys, nor in the choice of families in which they are to be bound out — nor in the bestowment of any benefit or privilege arising from this fund shall there ever be any distinction made, or preference given, on account of any religious sect or political or other party whatsoever." Later, he wrote, "But it is to be expressly understood that no Beneficiary shall be deprived of her right to said marriage portion of Three Hundred Dollars on account of the Religious opinions of her husband." In leaving \$10,000 in trust to the American Colonization Society, Mr. Smith hoped to make a contribution to the "relief and elevation" of the Negroes, whom he called "that degraded class of mankind."

Historians claim that every man is a reflection of the times in which he lives. Occasionally, however, there is born a man who apparently comprehends the value of methods still untried, of theories yet unproved. Succeeding generations marvel at the keen perception of a man whose foresight is confirmed by the passing years. Such a man was Oliver Smith.

He could see America's future, so he could determine America's needs. He knew the country needed men who had learned the "art and science of husbandry and agriculture" and others who had been well trained in mechanical trades. He realized the country needed young women to "superintend the affairs of a household." However, Mr. Smith knew the country needed more than able farmers, skilled mechanics and efficient housekeepers. He understood that the people of the nation must be tolerant, temperate and industrious, and he wrote his will to foster those virtues.

This booklet simply records the life of Oliver Smith and the charitable institution which he founded. Only a novelist could portray the greatness of this man; only a philosopher could evaluate his worth.

In a larger sense, Oliver Smith needs neither glorifier nor defender. The lawyer respects his sagacity, the farmer and mechanic recognize his knowledge, the businessman marvels at his acumen, and the humanitarian pays tribute to his benevolence.

The Smith Charities, product of this man's greatness, begins its second century of public service.

APPENDIX

First Annual Report of the Board of Trustees

To the Board of Electors under the last Will and Testament of
Oliver Smith Esquire

The undersigned Trustees of the Funds created for charitable purposes by the Will aforesaid present to the Electors this their Annual Report.

The Board of Trustees was organized on 8th day of May A.D. 1848 by the election of a Chairman, who was directed to keep a Record of all their proceedings. Immediate measures were taken by them for the reception and management of the funds belonging to the estate, and a demand for the delivery of the same was made upon the Executor. He, however, acting under the advice of counsel and desiring to have the most complete assurance of safety both for himself and the sureties upon his official bond declined delivering over the funds until the Supreme Judicial Court should establish the legality of all the proceedings attending the election and organization of the Board and point out to him his precise duty in the premises.

Accordingly a Bill in Equity was resorted to returnable to the Supreme Court at their September term in this County, the funds in the meantime remaining in the possession of the Executor, who was in frequent consultation with the Trustees in regard to the management thereof.

At the said September term the case was presented to and fully considered by the Court and it was decided that the Board was legally constituted and organized agreeably to the provisions of the Will; and the Executor was ordered to transfer and deliver to the Trustees the different kinds of property and the evidences and securities thereof then in his hands as Executor, on or before the First day of November then next, and the Trustees were directed after such transfer, to hold said property charged with the trusts and duties prescribed in said Will.

In pursuance of this order the said Executor did on the 10th day of October last, transfer and deliver to the said Trustees the following property, the same having been previously separated into two distinct funds agreeably to the provisions of said Will.

The following items of property were received from the Executor as constituting the

MISCELLANEOUS FUND

vis	Notes held by the testator at the time of his death	
	most of which were secured by mortgage	\$132,642.76
	Ohio 6 per ct. State Stock—appraised value	23,750.00
	Maine 6 per ct. State Stock	" " 10,800.00
	Albany 6 per ct. City Stock	" " 10,500.00
	Detroit 6 per ct. City Stock	" " 1,900.00
	Detroit 7 per ct. City Stock	" " 10,153.40
	New York 7 per ct. City Stock	" " 6,360.00
	New York 5 per ct. City Stock	" " 3,820.00
	Cash	73.84
	Notes and mortgages taken by the Executor after his appointment,	13,000.00
	U. States Govt. 6 per ct. Stock	1,000.00
		<hr/>
	Total amount of miscellaneous fund received	\$214,000.00
	To this there is now to be added the amounts received by the Trustees since Oct. 10, 1848, as follows, vis	
	Interest on outstanding notes	\$3,791.42
	Interest on stocks belonging to said fund	1,962.57 5,753.99
		<hr/>
	Making the total present amount of the Miscellaneous Fund	\$219,753.99

The appraised value of the above stocks differs, in the aggregate only \$130 from their par value, and therefore for greater convenience in keeping the accounts these stocks are entered on the books of the Fund at their par value and the difference is charged to the Interest account.

The interest has generally been paid with tolerable promptitude on the above mentioned notes; but there are nine notes on which the interest is now in arrears. It is presumed that in future, greater punctuality will be observed in the payment of interest.

The amounts of interest above mentioned, together with the amount of principal received by the Trustees, making in all \$11,850.00 have loaned, on good bonds adequately secured by mortgage of real estate, in sums varying from 400 to 1500 dollars, to Fifteen different individuals residing within the eight towns, and the balance, vis: \$1,170.52 is in cash, deposited in the Holyoke Bank or in change in our own drawer —

On the same 10th of October, the said Executor also delivered to the Trustees the following property as constituting the

CONTINGENT FUND

vis New York State 5½ % Stock appraised at	\$6,120.00
New York State 6% " "	23,400.00
Indiana State 5% " "	12,600.00
Indiana State 7% " "	315.00
Penn State 5% " "	18,000.00
Northampton Bank Stock 211 shares	24,898.00
Great Falls Man. Co. Stock "	30,000.00
Maine State 6% " "	5,400.00
Conn. River R.R. " "	940.00
U. S. Govt. 6% (purchased by the executor) " "	37,000.00
U. S. Govt. 5% " "	5,000.00
Boston City 5% " "	17,000.00
	\$180,703.00

On the 1st of Jan. last the Exr. also paid over to said fund, cash	1,000.00
and on the 25th of April, 2 shares of Deerfield River Bridge stock, appraised at	350.00
and certain fractional interests of the Dec'd in real estate in Hatfield	65.00
Total of Contingent Fund rec'd from the Exr.	\$182,118.00

The amount of cash received by the Trustees on the above fund since Oct. 10, 1848 (including the above mentioned sum of \$1,000) is \$5,810.14

Of this sum there has been loaned to Otis C. Wells, son of Elisha Wells of Hatfield, one of the special beneficiaries mentioned in said Will, on his note with sureties for 5 years,

	\$500.00	
and loaned to 3 other persons on bond & mortgage	2,900.00	\$3,400.00

and there has been paid for (the whole
expense of both funds being chargeable by
the Will on the contingent Fund)

For annuities specified in the Will to Sarah, Asenoth & Clarissa Smith & Eliza A. Warner	\$130.00
For Iron Safe & removing the same	125.00
Furniture of Office, including stove	87.85
Record and Acct. Books & stationery for Trustees	51.90

Record Books for Electors	15.00	
Notarial & other Fees	3.32	
Commissions paid for Detroit collections	.61	
Rent of Office to April 1, 1849	25.00	
Fuel	2.65	
Blanks	.31	
Postages etc. (Balance)	1.85	443.49

Total loans and Expenses		<u>\$3,843.49</u>
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Deducting this sum from the whole amount of cash received by the Trustees on said fund, as above stated (vis \$5,810.15) and there remains a Balance in cash of \$1,966.65 which is now on deposit in the Northampton Bank.

The actual present amount of this fund is accurately shown by the Balance sheet appended hereto.

The stock of the Great Falls Man. Co. has considerably fluctuated from time to time. Its present market value is only about \$20,000.

MISCELLANEOUS FUND

Balance Sheet		30 April, 1849.	
Page		Dr.	Cr.
1.	Miscellaneous Fund		\$214,000.00
10.	Bonds and Mortgages	\$150,429.46	
11.	Ohio State Stock	25,000.00	750.00
12.	Maine State Stock	10,000.00	300.00
13.	Albany City Stock	10,000.00	300.00
14.	Detroit City Stock 6 %	2,000.00	120.00
15.	Detroit City Stock 7 %	10,154.01	307.57
16.	New York City Stock 7 %	6,000.00	105.00
17.	New York City Stock 5 %	4,000.00	50.00
18.	U. S. Govt. Stock	1,000.00	30.00
19&			
25.	Interest	Balance	3,791.42
23.	Cash	Balance	1,170.52
		<u>\$219,753.99</u>	<u>\$219,753.99</u>

CONTINGENT FUND

Balance Sheet		30th April 1849.	
Page		Dr.	Cr.
1.	Contingent Fund		\$182,118.00
8.	Deerfield River Bridge Stock	\$350.00	
9.	Fractional Interests etc.	65.00	
10.	New York State Stock 5½ %	6,120.00	165.00
11.	New York State Stock 6 %	23,430.00	660.00
12.	Pennsylvania State Stock	18,000.00	584.84
13.	Northampton Bank Stock	24,898.00	949.50
14.	Great Falls Man. Co. Stock	30,000.00	600.00
15.	Conn. River R. Road Stock	940.00	40.00
16.	Maine State Stock	5,400.00	150.00
17.	Indiana State Stock	12,915.00	
18.	U. S. Govt. 6 %	37,000.00	1,110.00
19.	U. S. Govt. 5 %	5,000.00	125.00
20.	Boston City Stock	17,000.00	425.00
21.	Bonds & Mortgages	3,400.00	
22.	Cash	Balance 1,965.85	
23.	Expenses	443.49	
		<hr/>	
		\$186,927.34	\$186,927.34

The Indiana State Stocks have been entirely unproductive for the last 9 years. By a recent law of that state, the original certificates can be exchanged for new certificates of one half the amount of the original stock, and on this new stock the state will pay an interest (under certain limitations) of five per cent. It will probably be deemed expedient in the course of the present year either to exchange this stock under the law above mentioned, or to sell it for what it will bring in market.

A statement of the condition of the above funds in the nature of a Balance Sheet is appended hereto, and shows not only the exact present amount of each of the funds by their respective footings, but also correctness of the books of the board. We refer to them as a part of this report.

All of which is respectfully submitted.

(Signed) Osmyn Baker

John Dickinson, Jr.

Austin Smith

Northampton
April 30, 1849.

REPORT

To the Board of Electors under the Will of Oliver Smith, Esq.,
late of Hatfield, Massachusetts, for the Year ending
April 30, 1948

The Trustees of the Smith Charities have the honor to submit to you their One Hundreth Annual Report of the state, condition, income and amount of each and all the respective funds intrusted to their care as required by the Will of the late Oliver Smith, Esq., as follows, viz:

MISCELLANEOUS (OR JOINT) FUND OPERATING ACCOUNT

May 1, 1947—BALANCE OF FUND	\$980,000.00
RECEIPTS—FOR YEAR ENDING APRIL 30, 1948:	
Interest	\$41,186.10
PAYMENTS:	
To Indigent Boys	\$4,000.00
To Ind. Female Children	3,839.00
To Ind. Widows	4,000.00
To Ind. Young Women	13,850.00
	<hr/>
Total Payments	\$25,689.00
Transferred to Reserve for	
Payments to Beneficiaries	15,497.10
	<hr/>
	\$41,186.10
NET ADDITION TO JOINT FUND	0.00
	<hr/>
APRIL 30, 1948—BALANCE, JOINT FUND	\$980,000.00

JOINT FUND—RESERVE FOR PAYMENTS TO BENEFICIARIES

May 1, 1947—BALANCE	\$22,324.50
April 30, 1948—Transferred from	
Joint Fund Operating Account	15,497.10
	<hr/>
April 30, 1948—BALANCE	\$37,821.60
April 30, 1948—Total Joint Fund	
and Reserve	\$1,017,821.60

CONTINGENT FUND—OPERATING ACCOUNT

May, 1, 1947—BALANCE OF FUND \$657,141.77

RECEIPTS—For Year Ended April 30, 1948:

Interest and Dividends	\$26,580.97
Profit & Loss	963.18

	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> Total Receipts \$27,544.15
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PAYMENTS:

To Indigent Widows	\$3,500.00
To Ind. Young Women	4,500.00
Expenses	16,438.85
Taxes	1,219.09

	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> Total Payments 25,657.94
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NET ADDITION TO CONTINGENT FUND 1,886.21

	<hr style="width: 100%;"/> April 30, 1948—Balance, Contingent Fund \$659,027.98
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AGRICULTURAL SCHOOL FUND—OPERATING ACCOUNT

May 1, 1947—BALANCE OF FUND \$260,663.39

RECEIPTS—For Year Ended April 30, 1948:

Interest	\$12,820.75
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PAYMENTS

City of Northampton—Net Income	
from Permanent Fund for use of	
Smith's Agricultural	
School	\$10,625.11
Expenses	1,702.61
Taxes	193.03

	<hr style="width: 50%; margin-left: auto; margin-right: 0;"/> Total Payments \$12,520.75
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Transferred to Reserve for Contingencies	300.00 <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> 12,820.75
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Net Addition to Agricultural School Fund	<hr style="width: 100%;"/> 0.00
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April 30, 1948—Balance, Agricultural School Fund	<hr style="width: 100%;"/> \$260,663.39
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AGRICULTURAL SCHOOL FUND
RESERVE FOR CONTINGENCIES

May 1, 1947—Balance	\$2,100.00
April 29, 1948—Transferred from Agricultural School Fund	300.00
	<hr/>
April 30, 1948—Balance	\$2,400.00
April 30, 1948—Total Agricultural School Fund and Reserve	\$263,063.39

CONSOLIDATED OPERATING STATEMENT
OPERATING ACCOUNT

May 1, 1948—Balance of all the funds \$1,897,805.16

RECEIPTS—For Year Ended April 30, 1948:

Interest and Dividends	\$80,587.82
Profit & Loss	963.18

Total Receipts	\$81,551.00
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PAYMENTS:

To Indigent Boys	\$4,000.00
To Ind. Female Children	3,839.00
To Ind. Widows	7,500.00
To Ind. Young Women	18,350.00
Expenses	18,141.46
Taxes	1,412.12
Smith's Agricultural School	10,625.11

Total Payments	\$63,867.69
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Transferred to:

Reserve for Payments to Beneficiaries	15,497.10	
Reserve for Contingencies	300.00	79,664.79

Net Addition to Funds	1,886.21
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April 30, 1948—Balance of all the Funds	\$1,899,691.37
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JOINT FUND—RESERVE ACCOUNT

May 1, 1947—Reserve for Payments to Beneficiaries	\$22,324.50
April 30, 1948—Transferred from Joint Fund Operating Account	15,497.10
	\$37,821.60

AGRICULTURAL SCHOOL FUND—RESERVE ACCOUNT

May 1, 1947—Reserve for Contingencies	\$2,100.00	
April 29, 1948—Transferred from Agricultural School Fund, Operating Account	300.00	
	<u>300.00</u>	\$2,400.00
April 30, 1948—Total Funds and Reserves		<u>\$1,939,912.97</u>

STATEMENT OF THE FUNDS—APRIL 30, 1948

JOINT FUND:

Bonds and Mortgages	\$649,335.00
Apprentice Loans	26,500.00
U. S. Gov't. Bonds	275,000.00
Savings Bank Deposit	15,000.00
Cash	51,986.60
	<u> </u>
Total Joint Fund and Reserve	\$1,017,821.60

CONTINGENT FUND:

Bonds and Mortgages	\$436,943.00
Bank Stock	10,450.00
Banking House and Lot	37,416.55
U. S. Gov't. Bonds	150,000.00
Cash	24,218.43
	<u> </u>
Total Contingent Fund	\$659,027.98

AGRICULTURAL SCHOOL FUND:

Bonds and Mortgages	\$251,750.00
U. S. Gov't. Bonds	5,500.00
Cash	5,813.39
	<u> </u>
Total Agricultural School Fund and Reserve	\$263,063.39

TOTAL CASH AND INVESTED FUNDS	<u>\$1,939,912.97</u>
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The first century of operation of the Smith Charities is completed, and we take this occasion to review a few of the facts as to its early history. Oliver Smith, Esq. of Hatfield, Mass., died December 22, 1845, in his eightieth year. By the terms of his remarkable will he created this unique Institution which is known as the Smith Charities. Due to controversies in the probate of his will, it was not until May 3, 1848, that the first duly elected Board of Electors met. This Board consisted of Charles P. Phelps of Hadley, the attorney who had assisted Mr. Smith in preparing his will and codicil, Timothy J. Gridley of Amherst, Roswell Hubbard of Hatfield, Isaac Abercrombie of Deerfield, Josiah Allis of Whately, William Clark of Northampton, and David S. Jones of Greenfield. Charles P. Phelps was chosen Chairman and David S. Jones as Clerk. Williamsburg was not represented on the first Board of Electors.

In accordance with the provisions of the will, the Electors proceeded to choose the first Board of Trustees, to have the custody, control, and management of the funds. It was comprised as follows: Osmyn Baker of Northampton, a prominent lawyer who was later selected as chairman of the Board, John Dickinson, Jr., of Amherst, and Austin Smith of Hatfield, a nephew of Oliver Smith who had been the executor of his will. Under the guidance of these three able men the Institution began to function. From the executor of Mr. Smith's estate, the Board of Trustees received about \$400,000 in securities and cash, and began the task of administering the provisions of the trust that the will had created. By act of our Legislature the Institution was incorporated April 10, 1849.

During the century that has passed since the first Board of Trustees was created, the funds of the Institution have been invested and disbursed strictly in accordance with the specific instructions that Mr. Smith provided in his will. From the original sum of approximately \$400,000 which was turned over to the Trustees, the capital has gradually increased until at the close of business April 30, 1948, the total of the several funds and reserves amounts to \$1,939,912.97.

Since the provisions of the will went into effect to May 1, 1948, there has been paid to the people of the eight towns named for

Indigent Boys	\$1,410,000.00
Indigent Girls	333,875.75
Indigent Widows	660,650.00
Indigent Young Women	724,550.00
Smith's Agricultural School	529,879.64
Annuities	35,374.34
Taxes	430,415.13

\$4,124,744.86

The years have well demonstrated what remarkable foresight Oliver Smith had, both in the provisions for the investment of his trust fund, and for the disbursement of the income. The restrictions set forth in his will, almost without exception, are as applicable to conditions today as they were over a century ago when the document was drawn.

A centennial, historical booklet regarding the life of Oliver Smith, the preparation and probate of his will, and the operations of this Institution is nearly ready for publication.

During the past year 25 boys were indentured. Loans of \$500 each were made to five apprentices; the notes of eight others have been surrendered. Two girls were indentured; twelve girls have married and received their marriage portions; and two girls over thirty years of age have drawn the benefit to which they were entitled. One hundred fifty widows have been paid \$50 each, and 367 young women have received marriage gifts of the same amount. The total sum disbursed as gifts during the year is \$33,689.00, and in addition \$10,625.11 has been paid to the Superintendents of Smith's Agricultural School, being the net income of the permanent fund established for the school.

There are now forty-seven boys and two girls serving apprenticeships.

Our investment in real estate loans is practically the same as a year ago. No change has been made during the year in our holdings of United States Government Bonds, the total now owned being \$430,500.00, all bearing interest at the rate of two and one-half per cent per annum. Interest has been promptly paid. No foreclosures have been made. The investments of the Institution are in excellent condition.

In May 1947 the books were audited by Doubleday, Burnett, Snow & Shea, public accountants.

GEORGE S. SWIFT

JOHN H. BREGUET

SAMUEL W. CHILDS

Trustees

Northampton, Mass., May 5, 1948.

The following have served this Institution as Trustees as provided by the Will of Oliver Smith:

Amherst:

John Dickinson, Jr.
Alvian P. Howe
Simeon Clark
Ithamar Conkey
Ezra Ingram
Horace Ward
Dwight W. Palmer
Henry McCloud
Edwin D. Marsh
George L. Henry
Albion B. Allen
George Cutler, Jr.
Ralph W. Redman

Greenfield:

Whiting Griswold
David Aiken
Samuel H. Reed
Humphrey Stevens
William Keith
J. P. Felton
Charles Keith
Franklin G. Fessenden
Charles R. Field
Franklin E. Snow
Samuel O. Lamb
William G. Packard
Charles P. Aldrich
William A. Davenport
Charles W. Nims
Albert B. Allen
Frank Gerrett
Merle W. Scott

Hatfield:

Austin Smith
George W. Hubbard
Joseph D. Billings
William H. Dickinson
James Porter
Daniel W. Wells
Matthew J. Ryan
John McHugh
Gordon A. Woodward

Deerfield:

Isaac Abercrombie
Ira Abercrombie
Cephas Clapp
Charles Arms
Charles Hager
Israel W. Billings
David B. Arms
Robert Abercrombie
Alvord A. Jewett
Alonzo M. Rice
Theodore Childs
Edward J. Everett
Arthur W. Ball
Max Eninger
Richard A. Van Petersilge
Samuel W. Childs

Hadley:

Samuel Nash
Thaddeus Smith
Jeriah S. Smith
John N. Pierce
J. C. Kellogg
Rufus P. Scott
Lewis W. West
Orville W. Prouty
Francis S. Reynolds
Rufus H. Cook
Homer F. Cook
John C. Field
Cornelius Callahan
Edwin A. Richardson
Ernest S. Russell
Charles J. Kulikowski
Joseph F. Kukoski

Northampton:

Osmyn Baker
Orman S. Clark
George Wright Clark
George A. Dragon
George S. Swift

Whately

Josiah Allis
Samuel B. White
Elihu Belden
Myron Harwood
Dennis Dickinson
J. C. Sanderson
John White
Elbridge G. Crafts
Eleazer F. Orcutt
Stolham E. Allis
Lyman A. Crafts
Victor D. Bardwell
Lemuel F. Graves
Herbert E. Roote
Rylan C. Howes
William G. Strippe
William E. Sanderson
James J. Carey
Albert B. Zaskey

Williamsburg:

Hiram Nash
Luther Bodman
Henry L. James
Sereno Kingsley
Thomas M. Carter
Burr W. Banks
Hiram Nash
Thomas P. Larkin
John O'Neil
Moses H. Beals
John J. Leniham
Arthur J. Polmatier
J. Walter Nash
John A. Breckenridge
Frank L. Bisbee
Stephen J. Burke
John H. Breguet

The following Trustees have served as President of the Board:

Osmyn Baker	Northampton	1848-1871
George W. Hubbard	Northampton	1871-1882
Luther Bodman	Northampton	1882-1885
Dwight W. Palmer	Amherst	1885-1890
Daniel W. Wells	Hatfield	1890-1915
George Wright Clark	Northampton	1915 to date of death, July 13, 1921
Frank Gerrett	Greenfield	1922-1923
Homer F. Cook	Hadley	1923 to date of death, Dec. 19, 1930
George S. Swift	Northampton	1931-



